IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 7626 of 2007(G)

PETITIONERS:
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1. PRATHIBHA MENON, D/O.P.PARAMESWARAN,
AGED 22 YEARS, RESIDING AT THULASI BHAVAN,
KRISHI BHAVAN ROAD, RAMANATTUKARA.

2. NARJIS.P., D/O.ABDUL KHADER,
AGED 21, PULLANKODE P.O., MALAPPURAM DISTRICT,
PIN-676 525.

BY ADV. SRI.NIRMAL. S

RESPONDENTS:
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1. THE REGISTRAR, UNIVERSITY OF CALICUT.

2. THE PRINCIPAL & CONTROLLING OFFICER,
GOVERNMENT HOMOEO MEDICAL COLLEGE,
THIRUVANANTHAPURAM.

3. RAMSHIDA.K.P., SECOND YEAR,
B.H.M.S.STUDENT, DR.PADIYAR MEMORIAL HOMOEO
MEDICAL COLLEGE, CHOTTANIKKARA, ERNAKULAM.

*** ADDL.R4 & R5 ARE IMPLEADED**

4. THE PRINCIPAL , GOVERNMENT HOMEO COLLEGE,
CALICUT.

5. THE SECRETARY, CENTRAL COUNCIL
FOR HOMOEOPATHY , NEW DELHI.

ADD.R4 AND R5 ARE IMPLEADED AS PER ORDER DT.10.04.2007 IN IA NO.5471/2007.

BY ADV. SRI.P.V.KUNHIKRISHNAN - R3
BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL
BY ADV.SRI.P.C.SASIDHARAN S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 7626/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPLICATION FORM SUBMITTED TO THE 1ST RESPONDENT UNIVERSITY DT.21.8.06.

EXT.P2:- COPY OF THE RANK LIST FOR INTER- UNIVERSITY COLLEGE TRANSFER DT. NIL.

EXT.P3:- COPY OF THE LETTER NO.3736/C2/98/GHMCT DT.9.11.06 TH 2ND RESPONDENT.

EXT.P4:- COPY OF THE JUDGMENT IN WP(C) NO.238/07 DT.9.1.07.

EXT.P5:- COPY OF THE LETTER DT.16.10.06 MADE BY 1ST PETITIONER TO THE 1ST RESPONDENT FOR TRANSFER.

/TRUE COPY/

tss

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S.SIRI JAGAN, J

W.P.(C)NO.7626 of 2007

Dated this the 10th day of April, 2007

JUDGMENT

The petitioners seek transfer to one of the vacant second year VHMS seats available at the College of the Additional 4th respondent. The petitioners submit that as per Ext.P2 rank list of persons eligible for transfer, the third respondent is below the petitioners, in spite of which she was granted transfer in preference to the petitioners, and therefore, the petitioners are also entitled to transfer. The learned counsel for the University submits that the transfer cannot now be granted because the second year course started three months back and further as per the regulations, only three persons can be granted transfer in an year. However, there is no explanation forthcoming as to why a person below the rank is given transfer in preference to the petitioners. Admittedly, there are 10 vacancies in the 4th respondent's College and there cannot be any prejudice to anybody of any of the petitioners are given transfer to the 4th

respondent's College. Accordingly, there would be a direction to the University to grant transfer to the petitioners to the 4th respondent College. Orders in this regard shall be issued within one week from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

CSS